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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/600,258	
	Filing Date	June 20, 2003	
	First Named Inventor	MacCready, Paul B.	
	Art Unit	3746	
	Examiner Name		
Total Number of Pages in This Submission	9	Attorney Docket Number	AVI 1005-04US

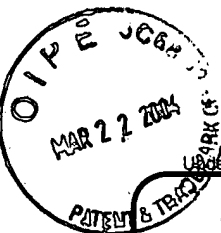
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John Griecci, Reg. No. 39,694
Signature	
Date	March 17, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	John Griecci		
Signature		Date	March 17, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/600,258
Filing Date	June 20, 2003
First Named Inventor	MacCready, Paul B.
Examiner Name	
Art Unit	3746
Attorney Docket No.	AVI 1005-04US

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

501809

Law Office of John A. Griecci

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims		-20** =	X	
Independent Claims		- 3** =	X	
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type)	John A. Griecci	Registration No. (Attorney/Agent)	39,694	Telephone	(310) 376-6527
Signature		Date	March 17, 2004		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No. : 10/600,258
Applicant : MACCREADY et al.
5 Filed : June 20, 2003
Art Unit : 3746
Examiner :

Confirmation No. 7491

10 Docket No. : AVI 1005-04US
Customer No. : 28327
Date: : March 17, 2004

Mail Stop: Petition
Honorable Commissioner for Patents
15 P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REFUND EXTENSION FEES

20 Dear Sir:

I. REQUEST

25 Applicants previously filed a petition for a four month extension of time and a
check for \$740.00, along with a reply to a Notice of Missing Parts ("the Notice").
The present petition requests that the extension of time fees, in the amount of
\$740.00, be refunded to the Applicants.

II. RELEVANT DATES AND OCCURANCES

30 August 27, 2003: The Notice was apparently mailed by the Patent Office to The
Law Office of John A. Griecci (the "Law Office"), with a shortened
statutory deadline of two months. The Notice recites the correct
correspondence address, but was never received by the Law Office.

35 February 5, 2004: Attorney John Griecci of the Law Office contacted the Patent
Office by telephone to request the status of the application, and was
informed of the mailing date of the Notice. At Mr. Griecci's request, the
Patent Office agreed to send a courtesy copy of the Notice to the Law
40 Office by facsimile. Mr. Griecci made a search of the file at the Law Office

and verified that the Notice had not been received. Enclosed is a phone memoranda prepared on February 5, 2004, recording the subject discussed in the telephone call.

5 February 10, 2004: After a second request by Mr. Griecci, a courtesy copy of the Notice was sent to the Law Office by facsimile. Enclosed please find a copy of a cover letter that accompanied the Notice.

10 February 26, 2004: Applicants filed a response to the Notice, along with a petition for a four month extension of time to respond to the Notice. That petition required the payment of a \$740.00 fee under 37 C.F.R. 1.17(a)(4). Enclosed please find a copy of the petition for a four month extension of time to respond to the Notice.

15 III. EXPLANATION OF WHY A REFUND IS APPROPRIATE

On February 5, 2004, an inquiry to the Patent Office by the Law Office resulted in Applicants learning that the Notice had apparently been mailed over five months prior to that date. Applicants prepared and filed a response to the Notice during the
20 three weeks remaining within the 6 month statutory period for the Notice.

Had the Law Office not checked on the status of the application, Applicants' first knowledge of the Notice would have been upon receipt of a Notice of Abandonment. In that case, Applicants would have been entitled to petition for
25 revival of the application as unavoidably abandoned, with only the payment of a \$55.00 petition fee. It is inappropriate for Applicants to be penalized with a \$740.00 extension fee simply because they were diligent enough to discover the problem prior to abandonment.

30 Therefore, it is appropriate to reset the response period of the Notice of Missing Parts to run from February 5, 2004, the date Applicants first learned that it had

been mailed. It is further appropriate to then refund the extension of time fee paid by Applicants.

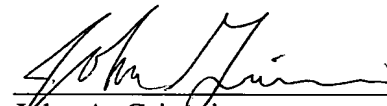
In the alternative, it is appropriate for the Patent Office to remove the shortened statutory deadline, which is applied at the prerogative of the Commissioner. As noted above, it is further appropriate to then refund the extension of time fee paid by Applicants.

IV. MANNER OF REFUND

Applicants respectfully requests a refund of \$740.00 be credited to Deposit Account No. 50-1809, and that the Law Office of John A. Griecci be notified that the refund has occurred.

Respectfully submitted,

By:


John A. Griecci
Registration No. 39,694

The Law Office of John A. Griecci
703 Pier Avenue, Suite B #657
Hermosa Beach, California 90254
(310) 376-6527 (phone)
(310) 376-6529 (facsimile)



THE LAW OFFICE OF JOHN A. GRIECCI

Date/Time: 2/5/04

File No: _____

To: STATUS

Phone Number: 800-786-9199

From: JAG

Phone Number: _____

Ser # 10/600,258 Filed 6/20/03 according to postcard.

Status Check: Group 3746

Missing Parts Marked Aug 27, 03

Call OIPE (initial exam)

703-308-1202

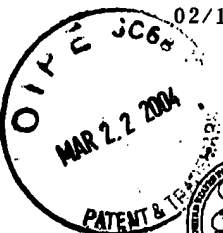
\$695

740 extra

COPY

Need to Return for fee return

He will fax me copies of missing papers



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/600,258	06/20/2003	Paul MacCready	AVI1005-04US

28327

THE LAW OFFICE OF JOHN A. GRIECCI
703 PIER AVE., SUITE B #657
HERMOSA BEACH, CA 90254

CONFIRMATION NO. 7491

RESEND COVER LETTER



OC000000011875180

Date Mailed: 02/11/2004

COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 08/27/2003 is enclosed. The time period for reply continues to run from the mail date of that Notice.

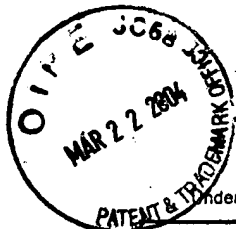
COPY

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/22 (08-03)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)

AVI 1005-04US

In re Application of

MACCREADY et al.

Application Number

10/600,258

Filed

June 20, 2003

For

HYDROGEN POWERED AIRCRAFT

Art Unit

3746

Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

☐ One month (37 CFR 1.17(a)(1))

\$ _____

☐ Two months (37 CFR 1.17(a)(2))

\$ _____

☐ Three months (37 CFR 1.17(a)(3))

\$ _____

☒ Four months (37 CFR 1.17(a)(4))

\$ 1,480.00

☐ Five months (37 CFR 1.17(a)(5))

\$ _____

COPY

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 740.00.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1809.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 39,694

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) 39,694

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 26, 2004

Date

(310) 376-6527

Telephone Number

Signature

John Griecci, Reg. No. 39,694

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of one (1) forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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